

REMARKS

Applicant has amended the claims, and submits that the amended claims define patentably over the prior art, for the reasons explained below.

The patent to Migurski (U.S. Patent No. 5,964,065) specifically uses an HVAC/filtration unit for ventilation, which draws air from the outside environment. That is, the filtration system of Migurski intentionally admits air from the environment into the enclosure chamber, after it has been filtered.

In the present invention, by contrast, the enclosure prevents entry of the environment air into the chamber, as is specifically recited in both Claims 1 and 7, the only independent claims in the application. Moreover, Claim 7 has been amended to recite that the enclosure prevents air from flowing into the chamber, and also prevents air from flowing out of the chamber. In other words, the chamber of the present invention is entirely self-contained. This feature is not shown by Migurski.

For the above reason alone, Applicant submits that the pending claims distinguish patentably over Migurski.

The present invention also differs from the device of Migurski in that the present invention comprises an enclosure formed of a flexible bag. While Migurski refers to the use of a tent material, such references are always in connection with a skeleton structure of some kind. For example, in the Abstract of the patent, Migurski describes the use of pylons or spars, panels, and curved battens (small boards or strips used as reinforcing members) to support the tent. Indeed, also in the Abstract, Migurski describes a "sturdy, self-locking core structure" which is capable of withstanding "weather loads", i.e. high winds.

In the present invention, by contrast, the enclosure is formed of a flexible bag which is free of any permanent rigidifying member. This feature is most clearly apparent from Figures 5 and 6 of the present application. Figure 5 shows the bag in its compressed condition, and Figure 6 shows the bag in its deployed condition. It is clear that there are no spars or strips, or other rigid members, and that the enclosure is formed solely by the bag.

Both Claims 1 and 7 have been amended to recite the above feature. Both claims require that the enclosure be formed of a flexible bag which is free of any permanent rigidifying member. Applicant submits that this amendment further distinguishes over Migurski, which clearly requires such rigidifying members.

Applicant notes further that Claims 1-6 and 8 recite an oxygen source within the enclosure. The claims require that this oxygen source be internal to the enclosure, because, as explained above, the claims also require that air be prevented from entering the chamber from the outside.

The Examiner has held that adding an oxygen generator to Migurski would be obvious. However, Applicant submits that, since Migurski teaches the use of a filtration system, which draws air from the surrounding environment, filters the air, and directs the air into the enclosure, the use of a fully internal, self-contained oxygen source would not be an "obvious" modification. Providing an internal oxygen source negates the concept of the filtration system taught by Migurski. If one obtains oxygen from air taken from the outside, it would not be obvious to provide a self-contained oxygen source as well. For this additional reason, Applicant submits that Claims 1-6 and 8 are allowable.

The claims not discussed specifically above are believed allowable because they depend from either Claims 1 or 7. Also, Applicant has cancelled Claim 15 as redundant, in view of the amendment of Claim 7 to recite the flexible bag.

Applicant has reviewed the other references cited by the Examiner, but not applied to the claims. None of these references is believed to affect the patentability of the pending claims.

For the reasons given above, Applicant submits that the application, as amended, is in condition for allowance.